

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	
	)	<b>CIVIL ACTION NO.</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	<b><u>COMPLAINT</u></b>
<b>CREDLE ENTERPRISES, LLC</b>	)	
<b>d/b/a MCDONALD'S</b>	)	
	)	
	)	
<b>Defendant.</b>	)	<b>JURY TRIAL DEMAND</b>
	)	

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**NATURE OF THE ACTION**

This an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide relief to Bertha Ronquillo and aggrieved individuals Sarah Arzola, Eva Ramey-Avila, and Erica Chavira. The Commission alleges that Defendant, Credle Enterprises, LLC d/b/a McDonald's (hereafter "Defendant"), violated Title VII by subjecting Ms. Ronquillo, Ms. Arzola, Ms. Ramey-Avila and Ms. Chavira to a hostile work environment based upon sex, female.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §451, 1331, 1337, 1343, 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C §2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Texas, Lubbock Division.

**PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission (“Commission”), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f) (1) and (3).

4. At all relevant times, Defendant has continuously been and is now doing business in the state of Texas and the city of Muleshoe, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h).

**ADMINISTRATIVE PROCEDURES**

6. More than thirty days prior to the institution of this lawsuit, Bertha Ronquillo filed a charge with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended, by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On July 23, 2018, the Commission issued to Defendant a Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. The Commission engaged in communications with Defendant to provide Defendant the opportunity to remedy the discriminatory practices described in the Letter of Determination.

9. On September 7, 2018, the Commission issued to Defendant a Notice of Failure

of Conciliation advising Defendant that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

10. All conditions precedent to the institution of this lawsuit have been fulfilled.

### **STATEMENT OF CLAIMS**

11. Since at least May 2017, Defendant has engaged in unlawful employment practices at its Muleshoe, Texas facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. 2000(e)(a)(1).

12. Defendant owns and operates three McDonald's franchises in northwest Texas, including one McDonald's restaurant in Muleshoe, Texas.

13. Since at least 2017, Defendant has engaged in unlawful employment practices in violation of §703(a) of Title VII, 42 U.S.C. §2000e-2(a). Such unlawful employment practices include subjecting Bertha Ronquillo, Sarah Arzola, Eva Ramey-Avila, and Erica Chavira to harassment on the basis of their sex that unreasonably interfered with their work environment.

14. The sexual harassment was perpetrated by two males, including the General Manager of the Muleshoe, Texas, store.

15. The General Manager of the Muleshoe store had management and/or supervisory authority over Ronquillo, Arzola, Ramey-Avila, and Chavira.

16. The sexual harassment included but was not limited to physical touching, sexual jokes, and display of pornographic images.

17. Defendant received complaints from female employees about the sexual harassment by the two males, but Defendant failed to prevent further harassment by taking prompt effective remedial measures.

18. The unlawful employment practices complained of in paragraphs 11-17 above were intentional.

19. The unlawful employment practices complained of in paragraphs 11-17 above

were done with malice or with reckless indifference to the federally protected rights of Bertha Ronquillo, Sarah Arzola, Eva Ramey-Avila, and Erica Chavira.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all person in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex, or which facilitates, condones or encourages employees to create a hostile environment based upon sex.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful unemployment practices.

C. Order the Defendant to make whole Bertha Ronquillo, Sarah Arzola, Eva Ramey-Avila, and Erica Chavira by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 11-17 above.

D. Order the Defendant to make whole Bertha Ronquillo, Sarah Arzola, Eva Ramey-Avila, and Erica Chavira by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraphs 11-17 above, including humiliation, emotional pain and suffering, stress, inconvenience, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Bertha Ronquillo, Sarah Arzola, Eva Ramey-Avila, and Erica Chavira punitive damages for its malicious conduct or reckless indifference to their federally protected rights, described in paragraphs 11-17 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public

interest.

G. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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